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SENATE BILL 533

By Cohen

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 5, Part 1, relative to conflicts of interest in local government.

WHEREAS, public confidence in the institutions of county government has recently declined; and

WHEREAS, it is vitally important to our democracy that public confidence in the integrity of our county governments be maintained; and

WHEREAS, decisions by county commissioners affecting the lives and property of the citizens of Tennessee must be made in the public interest without regard to the personal or financial interests of the county commissioners; and

WHEREAS, conflicts of interest by county commissioners severely undermine the integrity of county governments as well as public confidence in county governments; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 5-5-102(c), is amended by deleting subdivision (4) in its entirety and by substituting instead the following language:

(4)

(A) Any member of a local governing body of a county or a municipality who is also an employee of such county or municipality shall not vote on matters in which such member has a conflict of interest or on any procedural actions related to such matters.

(B) Any member of a local governing body of a county or a municipality who has a conflict of interest in a matter to be voted upon by the body shall not vote on such matter or on any procedural actions related to such matter. Any member of a local governing body of a county or municipality who abstains from voting on any issue coming to a vote before the body due to such conflict of interest shall not be counted for the purpose of determining a majority vote.

(C) The vote of any person having a conflict of interest who does not inform the governing body of such conflict as provided in subdivision (c)(4)(A) shall be void.

(D) Nothing in this subdivision (c)(4) shall be construed as altering, amending or otherwise affecting the provisions of Section 12-4-101(a). In the event of any conflict between this subdivision (c)(4) and Section 12-4-101(a), the provisions of Section 12-4-101(a) shall prevail.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.